



**OCTOBER 01, 1986**

## **CLASSIFICATION BULLETIN**

### **GEN-16: "NO COMMENT POLICY FOR CLASSIFIED AREAS"**

#### **I. PURPOSE**

The purpose of this bulletin is to define the classification policy, procedures, and guidance for Department of Energy (DOE) personnel and contractors concerning information about classified areas that (1) appears in the public domain; (2) is submitted to DOE for review by individuals not currently cleared for access to classified information in those areas; or (3) is involved in spoken communications such as interviews and speeches. This bulletin supersedes WNP-43A, "NO COMMENT" POLICY, dated April 18, 1980.

#### **II. DISCUSSION**

The protection of DOE classified information is normally accomplished by preventing its unauthorized dissemination. However, there are occasion when DOE classified information appears without authorization in the public domain. In such cases, commenting on classified information that is in the public domain, or attempting to prevent its further dissemination, could result in greater damage to the national security than would occur if no comment were made about the information.

##### **A. Information Appearing in the Public Domain**

There are statements that appear in the public domain that contain information classified by DOE guidance, e.g., statements appearing in newspapers, magazines, and books, or that are made in speeches, on TV, or at open meetings. The fact that specified classified information has appeared publicly is itself classified at the same level and category as the information in question. In addition, the fact that information has appeared publicly does not make it unclassified. Therefore, any questions raised about the accuracy, classification, or technical merit of such information should be responded to in a "no comment" manner.

B. Documents Submitted for Review

Documents are sometimes submitted for unsolicited review by DOE or its contractors containing speculation in a classified subject area by individuals not cleared for access to classified information. In these cases, no comment shall be provided on the accuracy, classification, or technical merit of the documents. It may be explained in the written response, if one is appropriate, that DOE policy does not permit comment on certain categories of information.

C. Spoken Communications

Situations involving spoken communications such as interviews, conversations, speeches, etc., present the most difficulty in applying the “no comment” policy. In those instances where unclassified discussions in classified subject areas (e.g., ICF) cannot be avoided, particular care should be exercised to prevent the compromise of classified information. Individuals who expect to be engaged in such discussions should be familiar with the classification guidance for the subject area and with the classification guidance for the subject area and with the provision of this bulletin. Discretion should be applied in order to avoid using “no comment” at such a point that its use implies or reveals classified information.

IV. EXCEPTIONS

Occasionally it may be necessary to comment on the unclassified portions of a document in the public domain that contains classified information. Such comment may be necessary in the interest of safety, environmental concerns, public relation, or other considerations. In such case, it must be made absolutely clear that the DOE commentary in no way implies an endorsement of the overall accuracy, technical merit, or content of other aspects of the document. If such occasions do arise, the decision to comment shall be made in consultation with and with the concurrence of the appropriate Headquarters program manager and the Director, Office of Classification, HQ. Additional exceptions to this policy may be made in special cases, but only as authorized by the Director, Office of Classification, HQ.

V. ADDITIONAL GUIDANCE

With regard to documents concerning classified subject areas submitted by uncleared individuals for DOE review, classification evaluations by cleared persons will be classified at the level and category dictated by the content of the evaluation, but at no less than Confidential-National Security Information. Please note that no marking relating to classification or any other kind of comments should be placed on the original document as submitted, as it may need to be returned to the author. Copies should be appropriately marked and the original, if kept, can be stored in a classified jacket.

This policy applies to Restricted Data, Formerly Restricted Data, and National Security Information. If there is any doubt as to the appropriate action to take when implementing this policy, the Director, Office of Classification, HQ, should be consulted.

Originally signed

F. Charles Gilbert  
Director  
Office of Classification